

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEONARD BARBER,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

1:21-CV-4706 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, currently held in the Anna M. Kross Center on Rikers Island, brings this *pro se* action. For the following reasons, the Court dismisses this action.

Plaintiff has previously submitted to this court a nearly identical complaint. That action is pending under docket number 1:21-CV-4293 (LTS). Because this action raises the same claims, no useful purpose would be served by litigating this duplicative action. Therefore, the Court dismisses this action without prejudice to Plaintiff's pending action under docket number 1:21-CV-4293 (LTS).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court dismisses this action without prejudice as duplicative.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: May 27, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge